

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARIO LEFLORE,

Petitioner,

ORDER

v.

16-cv-822-wmc

MICHAEL DITTMAN, Warden,  
Columbia Correctional Institution,

Respondent.

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This is an action for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. On April 26, 2018, Magistrate Judge Stephen Crocker screened Mario LeFlore's petition under Rule 4 of the Rules Governing Section 2254 Cases and determined that it appeared to be filed well outside the one-year limitation's period prescribed by 28 U.S.C. § 2244(d) and that nothing in the petition or supporting materials suggested that LeFlore had grounds to invoke statutory or equitable tolling or evidence that would satisfy the actual innocence exception for untimely petitions. (Dkt. #5.) Accordingly, Judge Crocker gave LeFlore until May 29, 2018, to file a supplemental brief and supporting materials showing either that the petition was timely, he qualified for equitable tolling or that his default should be excused under the actual innocence exception, warning LeFlore that if he failed to do so, then this court would likely dismiss the petition.

It is now July 27, 2018, and the court has received nothing from petitioner. For the reasons stated in the magistrate judge's order, this petition is dismissed.

ORDER

IT IS ORDERED that Mario LeFlore's petition for a writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED as untimely. No certificate of appealability shall issue because petitioner has not made a substantial showing of the denial of a constitutional right.

Entered this 6th day of August, 2018.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge